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April 26, 2024

By ECF

Hon. Philip M. Halpern, U.S.D.J.
The Hon. Charles L. Briant Jr. Federal Building and Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: *Wolf et al. v. Dolgen New York, LLC*,
Case No. 7:23-cv-00558-PMH**

Dear Judge Halpern,

We represent defendant Dolgen New York, LLC (“Dollar General”) in the above referenced matter. We write to respectfully request that the deadline to initiate the summary judgment process, and all subsequent summary judgment deadlines, be adjourned pending completion of the parties’ mediation, which is scheduled before the Honorable Morton Denlow on **May 20, 2024**. Plaintiffs Joseph Wolf and Carmen Wolf (the “Wolfs”) join this position.

Pursuant to the amended scheduling order entered on December 8, 2023, and section 4.E of Your Honor’s Individual Practices In Civil Cases, the deadline to file pre-motion letters for summary judgment motions is **May 17, 2024**. In doing so, pursuant to section 4.E of Your Honor’s Individual Practices, the parties are required to exchange Fed. R. Civ. P. 56.1 statements several weeks in advance of filing pre-motion letters (including allowing for a two-week response window to those statements), which Dollar General anticipated beginning the process on April 29, 2024. The parties respectfully request the summary judgment pre-motion letter deadline (and all related summary judgment deadlines) be adjourned so the parties can focus their efforts on the mediation and attempting to resolve the matter without engaging in motion practice and unnecessarily using the Court’s resources. Additionally, the Wolfs have raised a discovery dispute with Dollar General, which Dollar General believes is both untimely and without merit. However, the parties agree that in lieu of engaging in motion practice before the Court as to the discovery dispute, they likewise prefer to focus their efforts on mediation and avoid unnecessarily using the Court’s resources.

Accordingly, the parties respectfully request that the deadline for filing pre-motion letters concerning summary judgment motions be adjourned and the parties submit a joint letter by **May 31, 2024**, advising the Court of the status of the mediation. If the mediation is unsuccessful, the parties will file the joint discovery dispute, with all parties reserving their rights to respond accordingly. The parties will also include a proposed schedule in the status letter to initiate the summary judgment process, including the deadline to file pre-motion letters and exchange of Fed. R. Civ. P. 56.1 statements. However, if the parties have made progress on settlement and wish to continue settlement talks for a period of time before setting new deadlines or addressing the alleged discovery dispute, then they will so advise in the status letter to the Court.

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This is any party's first request for an adjournment of the deadline to initiate the summary judgment process. No other deadlines are affected by this request. Thank you for your consideration on this matter.

Respectfully,

/s/ R. Trent Taylor

R. Trent Taylor

cc: All Counsel of Record